

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ERIC R. TOWNSEL,)	CASE NO. C07-0482-JLR-MAT
)	
Plaintiff,)	
)	ORDER RE: PLAINTIFF'S
v.)	PENDING MOTIONS
)	
KEN QUINN, et al.,)	
)	
Defendants.)	
_____)	

This is a civil rights action brought under 42 U.S.C. § 1983. On the same date as this Order, this Court issued a Report and Recommendation recommending that defendants' pending motion to dismiss be granted and that plaintiff's most recent motion to amend his complaint be granted in part and denied in part. Five additional pending motions will now be addressed. The Court has reviewed plaintiff's motions and does hereby ORDER as follows:

(1) Plaintiff's original motion to amend his complaint (Dkt. No. 38) is STRICKEN as it was superceded by the motion to amend which was addressed in this Court's Report and Recommendation.

(2) Plaintiff's motion for service by the United States Marshal (Dkt. No. 46) is

01 STRICKEN. Plaintiff requests that the United States Marshal serve the individuals whom plaintiff
02 seeks to add as defendants by way of his amended complaint. In the Report and Recommendation
03 issued on the same date as this Order, this Court recommends that plaintiff be permitted to amend
04 his complaint to add only two of the proposed eleven new defendants. If the district court adopts
05 the recommendation, this Court will, as a matter of course, order that the clerk of court effect
06 service on the new defendants. Plaintiff's motion is therefore unnecessary.

07 (3) Plaintiff's motion for disclosure of pertinent information (Dkt. No. 48) is DENIED.
08 Plaintiff asks that this Court to direct defendant Ken Quinn to furnish plaintiff with the social
09 security numbers, last known addresses, and any other information necessary to make service on
10 defendants possible. Plaintiff asserts that one of the defendants named in his original complaint,
11 E. Fansler, left his job at MCC, without leaving a forwarding address, in order to avoid service in
12 this action. Plaintiff suggests that other defendants may follow a similar course of action. Plaintiff
13 offers no credible evidence that Mr. Fansler's actions in leaving MCC were undertaken for the
14 purpose of avoiding service in this action, nor does he offer any evidence that any of the proposed
15 new defendants is likely to evade attempts to effect service. The Court will not order defendant
16 Quinn to disclose the personal information of any current or former employees. The responsibility
17 for providing the information necessary for the Court to effect service remains with plaintiff.

18 (4) Plaintiff's motion to admit a grievance log (Dkt. No. 56) is GRANTED. Plaintiff
19 seeks to admit into evidence grievances which he filed between November 17, 2006 and January
20 16, 2007, in an effort to establish that he exhausted his administrative remedies with respect to one
21 of the claims alleged in his proposed amended complaint. As this Court relied on those grievances
22 in rendering its decision on plaintiff's motion to amend, it is appropriate that those documents

01 remain a part of the record.

02 (5) Plaintiff's motion for a status report on all previously filed motions (Dkt. No. 57)
03 is STRICKEN as moot. The information plaintiff seeks is effectively provided by this Order and
04 by the Report and Recommendation issued on this date.

05 (6) The Clerk shall send copies of this Order to plaintiff, to counsel for defendants, and
06 to the Honorable James L. Robart.

07 DATED this 24th day of January, 2008.

08 

09 Mary Alice Theiler
10 United States Magistrate Judge
11
12
13
14
15
16
17
18
19
20
21
22